

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

**RICHARD LOPEZ and GLORIA LOPEZ,** )  
**On Behalf of Themselves and All Others** )  
**Similarly Situated,** )

**Plaintiffs,** )

**V.** )

**CIVIL ACTION NO. SA-19-CA-0380-FB**

**PROGRESSIVE COUNTY MUTUAL** )  
**INSURANCE COMPANY, and** )  
**APRIL HAGER,** )

**Defendants.** )

**ORDER ACCEPTING REPORT AND RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**

Before the Court are the Report and Recommendation of United States Magistrate Judge (docket no. 37) concerning plaintiffs' motion to remand (docket no. 18), plaintiffs' written objections (docket no. 48) thereto, and defendants' responses (docket nos. 52 & 53) to plaintiffs' objections.

Where no party has objected to a Magistrate Judge's Report and Recommendation, the Court need not conduct a de novo review of the Report and Recommendation. *See* 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made."). In such cases, the Court need only review the Report and Recommendation and determine whether it is clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918 (1989).

On the other hand, any Report and Recommendation to which objection is made requires de novo review by the Court. Such a review means that the Court will examine the entire record, and will make an independent assessment of the law. The Court need not, however, conduct a de novo review

when the objections are frivolous, conclusive, or general in nature. *Battle v. United States Parole Comm'n*, 834 F.2d 419, 421 (5th Cir. 1987).

The Court has thoroughly analyzed the parties' submissions in light of the entire record. As required by Title 28 U.S.C. § 636(b)(1)(c), the Court has conducted an independent review of the entire record in this cause and has conducted a de novo review with respect to those matters raised by the objections. After due consideration, the Court concludes the objections lack merit.

IT IS THEREFORE ORDERED that the Report and Recommendation of United States Magistrate Judge (docket no. 37) is ACCEPTED pursuant to 28 U.S.C. § 636(b)(1) such that plaintiffs' Motion to Remand (docket no. 18) is DENIED; defendant Progressive County Mutual Insurance Company's Opposed Motion to Strike, or Alternatively, Unopposed Motion for Leave to File a Surreply in Opposition to Plaintiff's Motion to Remand to State Court (docket no. 27) is GRANTED; and Section IV of plaintiff's reply (docket no. 26) is STRICKEN from the record. This case remains referred to the Magistrate Judge for further proceedings.

It is so ORDERED.

SIGNED this 11th day of December, 2019.

  
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FRED BIERY  
UNITED STATES DISTRICT JUDGE